

novelty over U.S. Patent No. 5,697,320 to Murray, and that (ii) claims 4-10 are not *prima facie* obvious.

The Board also held that claims 11-19 were obvious, and *sua sponte* entered a new basis for rejection of dependent claims 20-22.

In addition, on pages 11-12 of the Decision, the Board outlined Appellant's rights to request rehearing and to respond to the Board's new grounds for rejection of claims 20-22.

Appellant hereby notifies both the Board and the Examiner that:

A. Appellant waives Appellant's right to request a rehearing and/or respond to the Board's *sua sponte* rejection of dependent claims 20-22; and

B. Appellant further notifies the Board and the Examiner that Appellant elects to cancel claims 11-22, as shown in the attached Listing of Claims, and to accept the Board's allowance of claims 1-10.

Accordingly, Appellant respectfully urges an early Notice of Allowability.

Respectfully submitted,

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